

**2235. Misbranding of Cloro. U. S. v. 3 Cloro Devices and a number of circulars. Tried to the jury; directed verdict for the Government. (F. D. C. No. 20746. Sample No. 40688-H.)**

**LABEL FILED:** On or about September 9, 1946, Eastern District of Missouri.

**ALLEGED SHIPMENT:** The devices were shipped on or about July 25, 1946, from Tucson, Ariz., to St. Louis, Mo., by L. P. Dickey, and the circulars were transported on or about June 30, 1946, by Dr. H. E. Glaesner.

**PRODUCT:** 3 *Cloro* devices at St. Louis, Mo., together with a number of circulars entitled "Here's to Your Health \* \* \* L. P. Dickey \* \* \* Tucson, Ariz." Examination showed that the devices were electrical, and that when charged and operated in accordance with the directions furnished, they would give off chlorine gas and vapors of eucalyptol.

**LABEL, IN PART:** (Sticker on back of device) "Roh Radio Co. 519 North Sixth Avenue, Tucson, Arizona."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the above-mentioned circulars accompanying the devices were false and misleading since they represented and suggested that the devices would be effective in the treatment of sinus, arthritis, hay fever, bronchitis, and common colds, whereas chlorine, whether used alone or in combination with eucalyptol, is not effective in the treatment of sinus, arthritis, hay fever, bronchitis, and common colds.

**DISPOSITION:** L. P. Dickey appeared as claimant and filed an answer on October 11, 1946, denying that the product *Cloro* was a device within the meaning of the law and, further, that it was misbranded.

The case came on for trial before a jury on February 3, 1947, during which trial testimony was introduced by the claimant and the Government. On February 5, 1947, at the conclusion of the trial, the court directed the jury to return a verdict in favor of the Government, which was done.

On February 7, 1947, judgment of condemnation was entered and the devices were ordered destroyed. On March 14, 1947, the decree was amended, providing for the delivery of the devices for the use of the Food and Drug Administration.

**2236. Misbranding of Electreat (device). U. S. v. 3 \* \* \* and a quantity of printed matter. (F. D. C. No. 23177. Sample No. 49770-H.)**

**LABEL FILED:** June 6, 1947, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about March 17, 1947, by the Electreat Mfg. Co., from Peoria, Ill.

**PRODUCT:** 3 devices known as *Electreat*, at Dallas, Tex., together with 3 instruction charts headed "Electreat Instruction Chart" and 34 circulars headed "Do You Want to Improve Your Health," which were enclosed with the devices. Examination showed that each device consisted of dry cells, a small buzzer coil, and attachments intended to supply an electrical shock to the body.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the charts and circulars were false and misleading. These statements represented and suggested that the device was effective to improve health, to control nerves, and to remove dandruff, and, further, that it was effective in the treatment of sciatica, muscular aches, arthritis and paralysis, sinus trouble, earaches, menstrual disturbances, cracked nerves, rheumatism, aches and pains, heart disease, tight muscles, nervous breakdown, prostate trouble, crippled hands, and about all diseases. The device would not be effective for such purposes.

**DISPOSITION:** July 22, 1947. Default decree of condemnation and destruction.

**2237. Misbranding of Exercycles (devices). U. S. v. 47 \* \* \*. (F. D. C. No. 22958. Sample No. 38290-H.)**

**LABEL FILED:** April 28, 1947, Northern District of Illinois.

**ALLEGED SHIPMENT:** By the Exercycle Corporation. The *Exercycles* were shipped from Hartford, Conn., between the approximate dates of December 3, 1946, and January 27, 1947, and a number of booklets were shipped during 1946, from New York, N. Y.

**PRODUCT:** 47 *Exercycles* at Chicago, Ill., together with a number of booklets entitled "Exercycle Exercises," "Keeping Fit," "Health in Action," and "Interesting Exercycle Facts." The *Exercycle* resembled a wheelless bicycle and

was operated by an electric motor to produce motion of the pedals, seat, and handle bars.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the booklets were false and misleading. These statements represented and suggested that the use of the *Exercycle* as directed would be effective to keep one fit, to correct overweight in various portions of the body, to improve posture, to prevent and correct intestinal, circulatory, and nervous disturbances, to maintain all organs of the body in a healthy state, to change mental attitude, to strengthen bones and joints, to protect against gall bladder disturbances, to relieve backache, dysmenorrhea, arthritis, and myositis, and to overcome muscle weakness resulting from poliomyelitis. The use of the *Exercycle* as directed would not be effective for such purposes.

**DISPOSITION:** On May 15, 1947, the Exercycle Co. of Chicago, Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered against the *Exercycles*, and it was ordered that they be released under bond for relabeling under the supervision of the Federal Security Agency.

On June 17, 1947, judgment of condemnation was entered against the booklets entitled "Keeping Fit," "Health in Action," and "Interesting Exercycle Facts," and it was ordered that they be destroyed.

#### DRUGS FOR VETERINARY USE

**2238. Misbranding of Beebe Rispol. U. S. v. Beebe Laboratories, Inc., and Dr. Sivert Eriksen. Pleas of guilty. Fines, \$100 against individual and \$300 against corporation. (F. D. C. No. 21480. Sample No. 19762-H.)**

**INFORMATION FILED:** On or about June 5, 1947, District of Minnesota, against Beebe Laboratories, Inc., St. Paul, Minn., and Dr. Sivert Eriksen, general manager.

**ALLEGED SHIPMENT:** On or about March 2, 1946, from the State of Minnesota into the State of Iowa. A number of accompanying circulars entitled "Beebe Bulls Eye" were shipped during the month of April 1946.

**PRODUCT:** Analysis showed that the product was a solution containing essentially camphoraceous oils, menthol, methyl salicylate, formaldehyde, and soap.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the article when used as directed would be efficacious in helping to stimulate deep breathing of poultry, and that it would be efficacious in the cure, mitigation, and treatment of colds, bronchitis, pneumonia, air sac infection, and deep-seated conditions of poultry, and calf pneumonia and colds of pigs. The article would not be efficacious for such purposes.

**DISPOSITION:** September 23, 1947. Pleas of guilty having been entered, the court imposed fines of \$100 against the individual and \$300 against the corporation.

**2239. Misbranding of Germ-O-Tone. U. S. v. Dean M. Schlarbaum (Germ-O-Tone Laboratories). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 22023. Sample Nos. 44905-H, 44906-H.)**

**INFORMATION FILED:** April 8, 1947, District of Arizona, against Dean M. Schlarbaum, trading as the Germ-O-Tone Laboratories, at Phoenix, Ariz.

**ALLEGED SHIPMENT:** During the period from July 17 to August 3, 1946, from the State of Arizona into the State of California.

**PRODUCT:** Analysis disclosed that the product consisted essentially of an aqueous liquid containing compounds of calcium, sulfur, iodide, and probably nitrate.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the labels of the article were false and misleading since they represented, suggested, and created the impression that the article was efficacious in the prevention and removal of intestinal worms in poultry, livestock, and dogs, and of lice, mites, bluebugs, fleas and ticks from all age poultry, livestock, and dogs; that it would be efficacious in the prevention of diarrhea, coccidiosis, and other bowel troubles in baby chicks, poults, growing and adult poultry, and livestock; and that it would be efficacious in the treatment of distemper in all types of livestock, of sorehead, roup, ear canker, and sore hocks in rabbits, and of sorehead, roup, and chickenpox in poultry. The article was not efficacious in the treatment, prevention, and removal of such conditions.